

EVICTION PROTOCOL CONFERENCE

1 This conference was requested by Dale Farm Housing Association through the good offices of Essex Fire & Rescue. It has been agreed between the interested parties, principally the DFHA, Basildon District Council and Essex police, that three sessions will be held, on 11 March, 8 April and 13 May, 2008, chaired by Sean Risdale of the Commission for Equality and Human Rights.

2 The front cover depicts a heavy digger being used by Cointant & Co bailiffs, as agents of the BDC, crushing a mobile-home belonging to a mother, with four children, at Hovefields, Wickford, in the summer of 2006.

Opening

3 A DVD presentation by Hazel Sillitoe, illustrating the baviour of Constant & Co., th eviction specialists engaged by Basildon District Council.

It was scenes in this DVD to which Mr. Justice Collins referred during the recent judicial review of Basildon's decision to spend 2.9 million pounds clearing so-called unauthorised caravans from the district, entailing the bulldozing of up to 90 homes in the Dale Farm community, Crays Hills, and another 15 at Hovefields, Wickford, Essex.

4 At the time of writing, Mr Justice Collins had not yet issued his final ruling. However, he strongly intimated that violent evictions of this kind should not continue and stated: "Regardless of the outcome, I will request a serious rethink to the manner in which evictions take place and if the use of this firm of bailiffs is appropriate."

5 Our purpose here today is to begin that rethink. Reconsideration needs to be both radical and thorough.

6 But before debating the conduct of evictions, we must from our side make clear that we will not condone or co-operate with attempts to "clear" any one of the yards or properties while no acceptable alternative accommodation is being offered. Re-accommodation in isolated houses would not in general meet the needs of extended families at Dale Farm, as our people have a well-attested aversion to bricks and mortar.

7 The DFHA's project for re-accommodating our top priority people at Terminus Road, Pitsea, is at present the only proposal of its kind on the table. We are therefore compelled to stipulate that in current circumstances we cannot participate in any organized evacuation, or party evacuation, of Dale Farm unless and until planning permission is granted for the Pitsea mobile-home park.

If other options become available, we will be glad to talk.

8 To cast this in positive terms, we have already put forward a suggestion to BDC that instead of attempting what would be a purely destructive operation, the resources allocated for the forced eviction be utilized for the purpose of an orderly transfer to Pitsea. Towing vehicles and low-loaders, assigned in the original eviction blue-print to moving caravans, mobile-homes and chalets to storage, possibly at South Mimms, Hertfordshire, could be used to transfer homes to the Terminus Road site.

9 As everyone is aware, Dale Farm has become a big issue. It has been taken up as a major campaign by the Advocacy Project, in Washington DC, by the IAI in Italy, and is currently being introduced at chapters of Amnesty International. The Romani movement within the UK and around the world is solidly behind us. Media interest increases monthly, and various media people have arranged with us to be embedded at Dale Farm should a confrontation, despite our best efforts, prove unavoidable.

10 A widening number of people, including Basildon voters, are coming to believe that in view of the fact that the Regional Assembly has ascertained that at least 81 new pitches (or yards as we say) are needed to meet the needs of those lacking planning permits, it would be simple common sense to legalize existing unauthorised yards - rather than go through the difficult and expensive process of finding and developing other locations within the district.

11 However, if this option is not immediately to be adopted, it has to be recognized that a process has already started which aims at the permanent accommodation of Travellers now forced to live outside the law. This process, in which we are all involved, is moving us towards a situation when so-called illegal camping will hopefully become a rarity.

13 In these circumstances, we believe it is wrong to call in a notorious outfit like Constant & Co., with all the trauma and misery this must entail, to force people out of their homes, to bulldoze those homes and break up a close-knit, self-supporting community.

14 At the same time, it has become increasingly evident over the past several years that Constant & Co., as Mr Justice Collins, has intimated (having viewed video film of these bailiffs at work at Hovefields at elsewhere) are not fit for purpose. Countless allegations and complaints are made concerning the almost daily move-on operations undertaken by Constant for local authorities and private landowners; they have rough handled pregnant women, dragged about and terrified children, needlessly crushed and burned caravans and mobile homes, destroyed personal property, and on many occasions endangered the lives of young and old through reckless disregard of health and safety regulations. There are allegations, too, of items being looted during evictions.

15 It is significant that H.E. Services, whose heavy machinery was hired out to Constant for clearing yards at Hovefields, has stated that it will no longer allow its plant to be so employed. Following the protest carried out by Dale Farm residents at Diggerland, in Kent, executive director of the company wrote a letter saying the eviction policy pursued by Basildon council was brutal and his company would have no further part in it.

16 The common view among our people is that Constant & Co., along with other private security companies, are the main agents for the perpetuation of a policy in Britain which bears many of the hall-marks of ethnic-cleansing. Mr Justice Collins questioned the policy in Basildon which is based on the notion that the district has its "share", or rather "more than its share" of a particular ethnic group, namely Travellers of Irish heritage. The racism in this thinking is self-evident.

17 Our view is that this thinking should be abandoned and Constant taken off the job immediately. The contract between Basildon District Council and Constant & Co. ought before the end of these conference sessions be terminated. Will the representatives of Basildon council undertake to investigate the past conduct of Constant bailiffs, if necessary with the assistance of the police, and share their findings with us?

18 Is Basildon Council willing to consider statements made by residents at Dale Farm, and elsewhere, describing their ill-treated by Constant & Co., the trauma suffered by their children and the personal property needlessly seized and either sold-on or trashed by the firm's bailiffs?

19 The DFHA supported by the Traveller Law Reform Project, is preparing a comprehensive complaint against Constant & Co. and will be seeking cancellation of Mr Constant's bailiff licence. In addition, as mentioned below, we intend to refer aspects of their recent operations, including those carried out as agents of Basildon District Council, to the Health & Safety Executive.

20 Our documentation is based partly on police involvement which has been necessary in respect of Constant operations. To quote three examples:

1) Bedfordshire police officers present at an enforcement at Woodside Caravan Park had to intervene and stop the operation when bailiffs tried to drag a child from under a trailer-caravan; 2) Essex police investigated the possibility that bailiffs had looted and set-fire to a mobile-home at Meadowlands, Chelmsford; 3) Leicester police received a complaint that bailiffs had slapped and punched two teenage girls during an eviction at Bulkington (the matter was subsequently placed in the hands of solicitors).

21 Perhaps most seriously as far as its local conduct is concerned, Mr Constant himself ignored a HighCourt injunction which at that time restrained him from entering property known as Ash View, at Gypsy Hill, Hovefields. He sent his bailiffs and a JCB through this yard, destroying fencing belonging to Mrs Gilheaney. She has abandoned the property, which has since been bulldozed, although neighbouring yards have received a four-year reprieve.

22 Much could be said about the almost routine endangering of small lives during evictions. Witnesses have seen children, on numerous occasions, in close proximity to heavy machinery and fires (at Woodside, Meadowlands, Bulkington Fields, Twin Oaks and Hovefields, to name a few instances). Old people and sick, even disabled persons, have been abused, frightened and pushed about. Already our people blame one death of a small children on bailiffs, where in the confusion and upset of an eviction, a Traveller's own lorry backed over a toddler. That child should have been removed from the site before the eviction operation commenced. If this careless, cowboy-style, behaviour by Constant bailiffs goes unchecked other serious injurious and deaths are inevitable.

23 As a first step towards preventing such instances, we insist that Basildon District Council, in fulfilment of its obligations under Health & Safety legislation, instigate a full and thorough Risk Assessment of any future evictions which it may contemplate as regards Dale Farm, Oak Lane, Hovefields, or any other unauthorised site within the district (below we have listed a number of issues and questions in relation to this).

24 Further, we would like to see Essex Fire & Rescue officers participate in this assessment and believe it proper that they should do so, as fire hazard has been shown to be one of the greatest dangerous when moving mobile-homes, chalets and caravans.

25 It goes without saying, that as the primary party concerned in any enforced action at Dale Farm, where hundreds of our children and vulnerable elderly people would be put at risk, we would need to closely examine the Risk Assessment document when produced and our members would have to be satisfied as to its adequacy.

26 Can we have an undertaking that Basildon Council will as soon as possible commence the Risk Assessment relating to its plan to use Direct Action at Dale Farm?

27 We request, under the terms of the Freedom of Information Act, that Basildon council reveal the full details of the Direct Action operation first drawn up with Constant & Co. for enforcement at Dale Farm and full disclosure of any revised plans which are devised for this purpose.

28 Additionally, we request disclosure of the insurance coverage taken out to date for this operation.

29 An enforcement operation if completed at Dale Farm would result in several hundred people being rendered homeless. With chalets being dismantled, mobile-homes removed on low-loaders and taken together with touring caravans into storage, men, women and children will be left without immediate shelter. This situation must confront authorities with a large-scale disaster, requiring an appropriate response under the terms of the Civil Contingencies Act.

30 We note that Ms Dawn French, head of Development, Property & Health, in her letter of 29 January 2008, says that the Council would "carefully plan the necessary operations taking into account the needs of the individuals, with consideration to any duties imposed on the Council with regard to the Housing Act, Health and Safety legislation and the Civil Contingencies Act."

31 It is clearly indicated here that whatever planning was done back in 2005 (and our request above is for details of both the original blue-print and any subsequent plans) there is to be a revision. We welcome this development, which appears to accord with the views expressed by Mr Justice Collins when he stated that Basildon council has a responsibility to take care of those made homeless at Dale Farm.

32 Our proposals to date have included a) an organised transfer to the site at Pitsea, b) creation of a Tent City on land owned by Dale Farm residents alongside the A127. For this purpose, tents, Portaloos and a field-kitchen are being sourced (with the help of the Red Cross) and an emergency rehearsal planned for this summer, as part of Gypsy and Traveller Month (June).

33 Will Basildon council recognize the human disaster it is causing and enter into talks with the DFHA and others to plan ahead to meet this emergency, in fulfilment of its duties under the Civil Contingencies Act?

34 Will Basildon Council give favourable consideration to the Joint Homeless Application submitted by Mrs Kathleen McCarthy? Following its initial rejection by the Council, the DFHA has consulted with Shelter, the leading organisation for the homeless. Lawyers at Shelter are looking into ways that an appropriate legal appeal can be made against Basildon's refusal of both the Joint Housing Application and individual homeless applications.

35 As footnote, we question the validity of some of the Enforcement Notices issued against property owners at Dale Farm. They include, almost as a formula, the stipulation that hard surfaces shall be removed and "planted to grass seed".

36 Survey of the properties involved show that a considerable number of them have areas of concrete on the surface, and below surface, which predate by decades purchase by the present occupiers. Some of it appears to have been leftover from the Second World War, a presumption supported by the presence of air-raid shelters nearby. Is it reasonable, indeed legally enforceable, to require owners by way of an Enforcement Notice to remove such old concrete, bring in topsoil and plant to grass seed?

37 In view of this situation, will Basildon Council undertake a review of the Enforcement Notices issued and change and re-issue those that require modification?

38 Finally, we would like to draw attention to plans mooted for the widening of the A127, including the stretch along side Dale Farm and involving the Oak Lane access from the Southend Arterial. If these proposals are confirmed and it is envisaged that Compulsory Purchase Orders will be issued, will Basildon Council give favourable consideration to the granting of temporary planning permission for the utilization of this strip of greenbelt land (owned by Travellers) as a mobile-home park? Such an arrangement would help to meet the needs identified by the Eastern Region Assembly, at least on an interim basis.